

### **REMARKS**

This amendment is submitted in reply to the Office Action dated August 7, 2009. Claims 1-7, 9-33 and 36-40 currently stand rejected. Independent claims 1, 33 and 40 have been amended for clarity. Claims 4, 13-17, 19, 21-28 and 36 have been amended based on the contents of their corresponding independent claims. New claims 42-66 have been added to further define patentable aspects of the claimed invention. No new matter has been added by the amendment. Claims 2, 3, 11, 18, 34, 35, 37-39 and 41 have been canceled, without prejudice.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

#### **Claim Objections**

Claim 36 has drawn an objection for an informality. Applicants have amended claim 36 as suggested by the Examiner and therefore request withdrawal of the objection to claim 36.

#### **Claim Rejections - 35 USC § 112**

Claim 18 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. As indicated above, claim 18 has been canceled and thus the rejection of claim 18 is now moot.

#### **Claim Rejections**

Claims 1-7, 9-13, 19-31, 33 and 36-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Zwaneveld et al. (CA 2129925, hereinafter "Zwaneveld"). Claims 14-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zwaneveld in view of Warren (U.S. Patent Application Publication No. 2003/0153355). Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zwaneveld in view of Ogasawara (U.S. Patent No. 6,512,919). As indicated above, claims 2, 3, 11, 18 and 37-39 have been canceled and thus the rejections of these claims are now moot.

Applicants have amended independent claim 1 to clarify that the user device is a portable user device. Applicants have also clarified that the portable user device includes a first receiver which is operable to receive, from the caption store, at least one set of captions for storage in the

user device or to receive a sequence of captions for a presentation to be made to a user associated with the user device. Independent claim 1 has also been amended to specify the claimed synchronization information in more detail. In particular, independent claim 1 now specifies that the second receiver is operable to receive a wireless signal that is time synchronized with the presentation for use in defining the timing during the presentation at which each caption is to be output to the user associated with the user device. Independent claim 1 further provides that the timing controller processes the received wireless signal to determine the timing during the presentation at which each caption should be output.

Based on the amendments to independent claim 1, according to embodiments of the claimed invention, the user device synchronizes the captions with the presentation by receiving some form of wireless signal (either the acoustic signal of the presentation, the video of the presentation or some other electromagnetic or pressure wave signal) that is time synchronized with the presentation.

Applicants respectfully submit that the present amendments clarify the distinction between the claimed invention and the cited references. In particular, the claimed invention relates to a system that can provide captions to a user for a presentation. Captions are provided to a portable user device which outputs the captions in synchronism with the presentation. In order to provide the synchronization, the portable user device receives a wireless signal (such as the audio of the presentation), from which it derives the appropriate synchronization information. None of the cited references, alone or in combination with each other, teaches or suggests such a portable user device.

In this regard, Zwaneveld describes a system that can determine and provide subtitles for a film. The system reads the audio from the film itself and synchronizes the display of captions based on signatures extracted from the read audio signal. However, Zwaneveld does not disclose or suggest a portable user device which receives a wireless signal that is time-synchronized with the presentation and which uses this wireless signal to control synchronization of the outputting of captions for the presentation. The advantage of providing such a portable user device is that different captions (for example, in different languages) can be downloaded for the same presentation for different users and the captions provided for each user will not disturb the

enjoyment of the presentation by other users. The portable user device of the claimed invention also allows the captioning system to be used for any film at any time without having to have modifications to the venue (e.g., cinema) which shows the presentation.

In the system proposed by Zwaneveld, it is the venue itself which performs the processing to synchronize the subtitles with the film, which it then displays for everyone at the venue to see. Zwaneveld is therefore clearly operating in a very different manner to that of the claimed invention. To arrive at the present invention, those skilled in the art would have to:

- 1) realize that displaying the same subtitles to everyone is not desired;
- 2) realize that a separate user device should be used by each person to provide the captions to that person; and
- 3) move the processing from the venue into the individual user devices and adapt the processing to receive a wireless signal that is time synchronised with the presentation. However, this teaching is absent in the other cited references and can only be found from Applicant's disclosure.

Warren describes a computing device that is provided with a docking station for a cellular telephone so that the computer device can transmit and receive signals to and from a remote computer system. Warren has nothing at all to do with providing synchronized captions for a presentation to a user. Thus, Warren fails to cure the above described deficiencies of Zwaneveld. Ogasawara also fails to cure the deficiencies of Zwaneveld and Warren, and is not cited as such.

Accordingly, Applicants respectfully submit that the cited references, alone or in combination, fail to meet the claimed invention. Moreover, the only way to arrive at the claimed invention from the disclosure of the cited references would be by using the teaching of Applicant's disclosure. Consequently, we respectfully submit that independent claim 1 and the claims dependent therefrom are both novel and non-obvious in view of the cited references, alone or in combination.

Similar amendments have been made to the other independent claims (independent claims 33 and 40) and Applicants therefore respectfully submit that these claims (and there corresponding dependent claims) are also patentable over the cited references, alone or in combination, for the same reasoning provided above for independent claim 1. New claims 42-65

are dependent from corresponding ones of independent claims 1, 33 and 40 and are therefore patentable for at least the same reasons given above for independent claims 1, 33 and 40. New claim 66 also recites features that are neither taught nor suggested in the cited references, alone or in combination. Thus, new claim 66 is also patentable.

Accordingly, for at least the reasons provided above, Applicants respectfully submit that the rejections of claims 1, 4-7, 9, 10, 12-17, 19-33, 36 and 40 are overcome and new claims 42-66 are patentable over the cited references.

Application No.: 10/500,016  
Amendment Dated October 23, 2009  
Reply to Office Action of August 7, 2009

### **CONCLUSION**

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Chad L. Thorson  
Registration No. 55,675

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
LEGAL02/31510587v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON OCTOBER 23, 2009.